

RECEIPT # 54611 Case 1:04-cv-10509-REK Document 1 Filed 03/12/2004 Page 1 of 3  
AMOUNT 152 SUMMONS ISSUED N/A  
MAIL RULE 4.1  
COVER FORM  
MCF ISSUED  
BY DPTY. CLK. 3-12-09  
DATE

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

RONALD BURKE, )  
Plaintiff, )  
v. ) CIVIL ACTION NO.  
HOYT CORPORATION AND )  
BENEFIRST LLC, )  
Defendants. )

04 10509 REK

MAGISTRATE JUDGE Callings

NOTICE OF REMOVAL

In accordance with 28 U.S.C. §1441(a), Defendant, BeneFirst LLC ("BeneFirst") hereby gives notice of the removal to this Court of *Ronald Burke v. Hoyt Corporation and BeneFirst LLC*, which was filed in Superior Court for Bristol County, and served on BeneFirst on February 12, 2004. Copies of the Superior Court summons, complaint and tracking order served upon BeneFirst are attached hereto as Exhibit A.

In support of this notice, defendant states as follows:

1. This is an action by plaintiff Ronald Burke against the defendants stemming from the defendants' alleged breaches of contract, misrepresentations, and violations of 29 U.S.C.

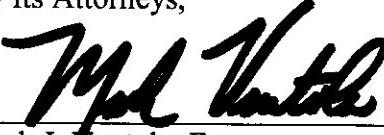
§§1001 et seq., in connection with the administration of a group health insurance plan for employees of the defendant Hoyt Corporation. (See, Complaint ¶¶7-28).

2. Plaintiff is a citizen of the Commonwealth of Massachusetts. Defendants are business entities duly organized and existing pursuant to the laws of the Commonwealth of Massachusetts.

3. The United States District Court for the District of Massachusetts has original jurisdiction over this action pursuant to 28 U.S.C. §1331 and removal to this Court is proper under 28 U.S.C. §1441.

Accordingly, BeneFirst respectfully requests that this action be removed from the Superior Court of Massachusetts in Bristol County to the United States District Court for the District of Massachusetts.

Respectfully submitted,  
BeneFirst LLC  
By Its Attorneys,

  
Mark J. Ventola, Esq.  
BBO# 649570  
Sheehan Phinney Bass + Green, PA  
260 Franklin Street  
Suite 1901  
Boston, MA 02110  
617-897-5630

Dated: March 12, 2004

Certificate of Service

I, Mark J. Ventola, do hereby certify that on this 12<sup>th</sup> day of March 2004, I served the foregoing, by first-class mail, upon:

Melissa S. Connors, Esq.  
P.O. Box 98  
Swansea, MA 02777

Richard E. Burke, Jr., Esq.  
Beauregard Burke & Franco  
32 William Street  
New Bedford, MA 02741

Mark J. Ventola